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EDITORIALS.

THE LAWYER'S OPPORTUNITY.

The lawyer of the twentieth century must necessarily be a very different man from the lawyer of the nineteenth century, just as the lawyer of the nineteenth century was a different man from the lawyer of the eighteenth century. He must face new conditions, solve very different problems, and advise clients whose troubles are not the old troubles, but new ones arising from new conditions and the operation of novel and experimental laws designed to readjust social, civic and business relations in accordance with changed conditions and changed ideas of human duty and responsibility.

He can not maintain the prestige and influence which the profession has always enjoyed if he stands with his face to the past, and deprecates all changes as changes for the worse. The man who is forever talking about "the good old times" and deprecating the woeful degeneracy of the present day *may possibly* be a Jeremiah sent from God to rebuke a recreant race, but he is more likely to be the false prophet of an equally false god.

"As it was in the beginning, is now, and ever shall be, world without end" is doubtless true with regard to the majestic sweep of the universe through infinite space, but it is certainly not true as applied to the affairs of men.

We can not stand still even if we would; the astounding discovery of today becomes the familiar fact of tomorrow, and the archaic curiosity of the day following. With the accumulation of human knowledge there comes an ever increasing rapidity of change in economic, legal and governmental conditions, and to attempt to meet the changed conditions by blindly applying the economic and governmental theories of a preceding century, without change or adaptation, is to attempt to put modern civilization in a medieval straight jacket.

Among the changes which marked the closing years of the nineteenth century and which still more distinctly mark the opening years of the twentieth century, there is none more noticeable than the marked change of attitude on the part of the public toward the problems connected with the administration of the laws by the courts and the bar.

A LAWYER'S OPPORTUNITY

It is not many years since the great mass of the people seemed to regard the administration of the law as an occult science, whose defects and shortcomings, however lamentable, must be regarded as necessary and unavoidable evils, which for some unknown but entirely sufficient reason must forever exist and be endured.

True, some decision of great public interest, like the Dred Scott decision, might at times challenge public attention and arouse a storm of indignation, as well as a demand for a change in the court which made it, but as to the great mass of cases the ordinary attitude of the people was that of entire helplessness, or rather of submission to the inevitable. If the courts and the lawyers said that such was the law, it was accepted, if not with pleasure, at least with resignation, and with the reflection that there must be some good reason, which the judges and lawyers in their inscrutable wisdom knew but would not divulge, why the law must work injustice. There was little or no inclination to seek a remedy and apparently little thought that any remedy was possible. Were there long delays which amounted to a denial of justice? Did the law miscarry and become an instrument of oppression? Did the red-handed criminal go unwhipped of justice? Even so, these were but necessary minor defects which must always exist; and, forsooth, was not the English legal system as revised and improved on this western continent the best system which the world had seen? Perish the thought that anything was the matter with it; to argue seriously that it or its administration was defective was the nearest approach to the heinous crime of *lese majesty* known on this side of the broad Atlantic. Like the epidemics of cholera, the diseases of childhood, or the ubiquitous housefly, these apparent evils all were thought to have their appointed place in the economy of nature, and to carry out some certain but well concealed purpose of the Great Creator.

This supine and very edifying folding of the hands in meek submission to the supposed supreme will no longer prevails. There has arisen instead a great body of skeptics and faultfinders. They are strangely averse to accepting without question the dictum that all these are necessary evils. They fairly bristle with questions: "Why is it necessary that there should be epidemics of cholera or yellow fever? Why must a child have the so-called infantile diseases and incur the risk of lifelong impairment of intellectual or bodily powers, or both? Why must the housefly or the equally detestable mosquito be endured? And above all, why may not justice be had without

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denial or delay, as promised on the plains of Rummymede nearly seven hundred years ago?"

To these active and earnest souls the stereotyped answer that these minor evils are inevitable and should be accepted with pious resignation as chastenings from the hand of an allwise Providence is no answer at all. They utterly decline to subscribe to any such confession of human impotence. With admirable courage, if not always with entire wisdom, they are attacking the defects and imperfections in the administration of the law, and they do not propose to wait for the action of the bench and bar. If bench and bar choose to aid, their assistance will doubtless be welcome, but if it be lacking the movement will not wait on that account, but it will go forward with greater speed and less discretion, for its leaders will be radicals and doctrinaires who have not experienced the practical difficulties which are always in the way of such reform.

Will the bench and bar appreciate the greatness of the opportunity and give wise, sympathetic, and constructive aid to the great movements now in progress to simplify court procedure, to eliminate technical pitfalls from the path of the litigant, to humanize the administration of the criminal law, and to mold legal and economic conditions so that individual effort may have its due reward, and at the same time that life shall have its message of brightness and hope for all?

I hope so and I believe so; in no other way can the legal profession maintain the prestige of the past, in no other way can it maintain its place among the foremost of the great professions of the world.

JOHN B. WINSLOW.

RACE IMPROVEMENT THROUGH SOCIAL INHERITANCE.

In the last issue of this journal under the title, "Race Improvement," the writer briefly discussed a bit of evidence from which one may possibly infer improvement of the racial stock as a result of individual acquisitions gained through contact with the environment. In that connection the factor of social inheritance, which makes each successive generation heir to whatever improvement in the environment its predecessors may have effected, was referred to incidentally. Where they have uprooted vicious influences, or strengthened social defenses, or positively supplied new agencies that offer new opportunities, there the succeeding generation comes upon the scene with an advantage. This may appear, from one point of view, to be in the nature of a superficial treatment of symptoms. Undoubtedly, however, it is from